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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,049	01/31/2002	James Pickel	SVL920010073US1/2305P	3927

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EXAMINER
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BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,049

Applicant(s)

PICKEL ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/31/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,470,389 to Chung et al.

a. As per claims 1 and 13, Chung et al a method for hosting a network device on a cluster of servers. Furthermore, Chung et al teaches a method for connecting a client to a database managed by a network of computer systems, the method comprising the steps of: a) providing a shared network address for the plurality of DBMS members (See col. 4, lines 19-25, a network service is hosted by a server cluster in which each server includes a primary address and a secondary Ip address. A common cluster address is assigned as the secondary Ip address for each of the server) ; and b) utilizing the shared network address by the client to connect to an active member of the plurality of members (See col. 4, lines . 30-36, The router receives client requests from the Internet, and uses a dispatching technique to direct client requests having the

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cluster address as a destination).

b. As per claim 25, Chung et al teaches a system for connecting a client to a database managed by a network of computer systems, the network including a plurality of database management system (DBMS) members, the system comprising: a shared network address for the plurality of DBMS members (See col. 4, lines 19-25, a network service is hosted by a server cluster in which each server includes a primary address and a secondary IP address. A common cluster address is assigned as the secondary Ip address for each of the server); and a network router coupled to the client for utilizing the shared network address to connect the client to an active member of the plurality of members ((See col. 4, lines 30-36, The router receives client requests from the Internet, and uses a dispatching technique to direct client requests having the cluster address as a destination).

c. As per claims 2, 14 and 26, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the shared network address is common to each DBMS member of the plurality of DBMS members (See col. 5, lines 64-67).

d. As per claims 3, 15 and 27, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al fails teaches wherein the utilizing step (b) further includes the steps of: (b1) submitting a domain name for the database location to a domain name server coupled to the client; (b2) resolving the domain name to the shared network address; and (b3) returning the

shared network address to the client from the domain name server (See col. 7, lines 18-29)

e. As per claims 4, 16 and 28, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b1) sending the shared network address by the client to a network router coupled to the network of computer systems (See col. 4, lines 30-36).

f. As per claims 5, 17 and 29, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b1) determining which ones of the plurality of members located at the shared network address are active (See col. 10, lines 37-67).

g. As per claims 6, 18 and 30, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the determining step (b1) further includes: (b1i) communicating with a work load manager coupled to the plurality of members, wherein the work load manager monitors the status and workload of each active member (See col. 10, lines 37-67).

h. As per claims 7 and 19, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b2) connecting the client to any one of the active members located at the shared network address (See col. 10, lines 37-67).

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i. As per claims 8 and 20, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches transmitting to the client a list of active members from an active DBMS member (See col. 10, lines 37-67).

j. As per claims 9, 21 and 31, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches providing a weighted load for each active member; and (d) identifying a member-specific network address associated with each active member (See col. 4, lines 19-24).

k. As per claims 10 and 22, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches balancing a workload across the active DBMS members based on their respective weighted loads (See col. 10, lines 37-67).

l. As per claims 11 and 23, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches assigning each member in the plurality of members a corresponding member-specific network address, wherein the member-specific network address is associated with the corresponding member regardless of its location (See col. 9, lines 1-22).

m. As per claim 32, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches means for distributing work evenly across the active DBMS members based on their respective weighed loads (See col. 10, lines 37-67).

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n. As per claim 33, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches means for assigning a corresponding member-specific network address for each DBMS member, wherein the member-specific network address is associated with the corresponding member regardless of its location (See col. 9, lines 1-15).

o. As per claims 12, 24 and 34, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches utilizing the member-specific network address of a DBMS member to re-establish a connection to the DBMS member for performing a resynchronization process after a first connection to the DBMS member has been interrupted (See col. 10, lines 37-67).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2002/0091760 to Rozen teaches a distributed selection of a content server.

U.S. Patent Application No. 6,092,178 to Jindal et al teaches a system for responding to a resource request.

U.S. Patent Application No. 6,324,580 to Jindal et al teaches a load balancing for replicated services.

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U.S. Patent Application No. 6,389,448 to Primak et al teaches a system and method for load balancing.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER